

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION

## **ORDER**

Pending before the Court is a Report and Recommendation (“R & R”) of the Magistrate Judge, recommending that *Defendant Debbie Deck’s Motion for Summary Judgment* (Docket Entry No. 81) and *Defendants’ [W.B. Melton and Shannon Harvey] Motion for Summary Judgment* (Docket Entry No. 87) be granted and “this action be dismissed against the moving parties for failure to exhaust and for failure to state a claim on which relief may be granted.” (Docket Entry No. 99). The Magistrate Judge further recommended this action count as a strike under 28 U.S.C. § 1915(g). (*Id.* at 15). Plaintiff made a timely objection to the R & R. (Docket Entry No. 103).

Having thoroughly reviewed the record in this case and the applicable law in accordance with Rule 72(b), the Court will accept the R & R.

Accordingly, the Court hereby rules as follows:

(1) The Report and Recommendation (Docket Entry No. 99) is hereby ACCEPTED and APPROVED:

(2) *Defendant Debbie Deck's Motion for Summary Judgment* (Docket Entry No. 81) is hereby GRANTED:

(3) *Defendants' [W.B. Melton and Shannon Harvey] Motion for Summary Judgment* (Docket Entry No. 87) is hereby GRANTED;

(4) This case is hereby DISMISSED WITH PREJUDICE;

(5) This dismissal shall count as a STRIKE under 28 U.S.C. § 1915(g); and

(6) The Court hereby certifies that any appeal would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3).

The Clerk is directed to enter Judgment in a separate document in accordance with Federal Rule of Civil Procedure 58.

**It is SO ORDERED.**

  
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KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE